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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Pitcairn

Working paper prepared by the Secretariat

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I. General

1. Pitcairn is a Non-Self-Governing Territory administered by the United Kingdom of Great Britain and Northern Ireland. The basis of the current relationship between the Government of the United Kingdom and its Non-Self-Governing Territories is enshrined in the constitution of each Territory. The British Overseas Territories Act 2002 grants the right of British citizenship to "British Overseas Territory citizens". The Territory is located midway between Australia and the continent of South America at 25°S and 130°W. It comprises four islands in the eastern Pacific Ocean: Pitcairn (the only inhabited island), Henderson, Ducie and Oeno. The total area of the Territory is 35.5 sq km while that of Pitcairn itself is 4.35 sq km.[1]

2. The terrain in Pitcairn is of rugged volcanic formation, with a rocky coastline and cliffs lining nearly the entire perimeter of the island, giving no easy access from the sea. Although canoes can be launched in many places, Bounty Bay and the Tedside landing are the only two places on the Island offering a reasonably safe landing. Pitcairn (named after Robert Pitcairn, a British midshipman who sighted it in 1767), was uninhabited when castaways from HMAV *Bounty* (9 mutineers and 18 Polynesians) arrived there in 1790. The majority of Pitcairn's inhabitants today can trace their ancestry back to those mutineers. The population has been declining steadily since 1937, when it peaked at over 200 and currently, it stands at over 50. It is common for young people to leave the Territory at the age of 15 (usually in their third year of secondary schooling) to attend secondary school in New Zealand. The continuing exodus of young people has been a concern to the Islanders for several years. Most of the population lives in Adamstown, the only settlement. Many Pitcairn Islanders have strong links with New Zealand, and some are dual United Kingdom and New Zealand nationals. There are also links with French Polynesia, Pitcairn's nearest neighbour.

3. The official languages are English and Pitkern, a mixture of eighteenth-century English and Tahitian. The Territory enjoys a subtropical climate. Mean monthly temperatures vary from around 19°C in August to 24°C in February.

II. Constitutional, legal and political issues

4. After full consultation with the Island community, a new Constitution came into effect in March 2010 replacing the Pitcairn Order 1970 and Royal Instructions. It set out for the first time rights and freedoms of the individual, provided for an Attorney General and established the authority of the Island Council, updated the role of the Governor and brought the judicial system into the Constitution. The Governor is appointed by the Queen, acting on the advice of the Secretary of State for Foreign and Commonwealth Affairs of the United Kingdom, to whom she is accountable. In practice, the High Commissioner of the United Kingdom to New Zealand is appointed concurrently as Governor of Pitcairn, and overall

Note: The information contained in the present working paper has been derived from public sources, including those of the territorial Government, and from information transmitted to the Secretary-General by the administering Power under Article 73 *e* of the Charter of the United Nations. Further details are contained in previous papers posted on the United Nations website www.un.org/Depts/dpi/decolonization/docs.

[1] *The Far East and Australasia* (Europa Publications, 2005).

responsibility for the administration of the Island is accordingly vested in this function. The current Governor of Pitcairn is Vicki Treadell.

5. Under the Constitution, the Governor has legislative authority for Pitcairn and is empowered to formulate laws on any subject after consultation with the Island Council. Laws enacted by the Governor are styled ordinances. Formally, all ordinances are subject to disallowance by the Queen, on the advice of the Secretary of State. The Government of the United Kingdom retains the power to legislate directly for Pitcairn by an Act of Parliament or an Order in Council.

6. The Island community was also fully involved in consultations leading to the setting-up of a new governance structure on the Island in April 2009. This created four senior public sector posts (Division Managers) to boost local administrative capacity and introduced fair and transparent systems for government job selection and performance management. The process of devolving more functions and responsibilities to the Island is ongoing but will be a gradual one given limited human resource and appropriate skills in this tiny population. For the time being, some administrative functions will need to remain with the Pitcairn Islands Office in Auckland, New Zealand.

7. Pitcairn Islanders manage their internal affairs through the Island Council established by the Local Government Ordinance and enshrined in the new Constitution. The Ordinance conferred upon the Council the duty, subject to orders and directions by the Governor, to provide for the enforcement of the laws of Pitcairn and empowered it to make regulations for the good administration of Pitcairn, the maintenance of peace, order and public safety and the social and economic advancement of the Islanders. Under the new government structure, the Island Council consists of seven voting members: the Island Mayor, who is elected every three years; the Deputy Mayor and four Councillors, who are elected every two years, and one nominated member, who is appointed by the Governor. The Governor and her representatives are non-voting ex officio members. During elections in December 2010, Mike Warren was elected as Mayor.

A. Electoral qualifications

8. In order to vote, persons must be at least 18 years old and, if not born on Pitcairn, must have been resident for three years (one year for spouses and two years for de facto partners). To stand for the Council, candidates must fulfil the same residence requirements but must be at least 21 years of age. For the posts of Mayor and Deputy Mayor, the qualifying residence is 10 years and 5 years, respectively, and the minimum age is 25. The Island Secretary prepares the register of voters in October of each year, and elections are held on a day during the first two weeks in December.

B. Judicial system and human rights

9. An Island Magistrate is appointed from among the residents of Pitcairn. Other magistrates, legally qualified in a Commonwealth country, are appointed to preside over the Court in matters outside the powers of the Island Magistrate. The jurisdiction of the Court is limited to offences triable summarily, committal proceedings and certain inquiries, together with civil litigation up to a prescribed

level. There is a right of appeal from the Court to the Supreme Court of Pitcairn, which is a superior Court of record and has jurisdiction in criminal and civil cases outside the competence of the Magistrate's Court. The Supreme Court is constituted by a judge, the Chief Justice or one of several puisne judges, with or without assessors. Further rights of appeal may be made to the Pitcairn Court of Appeal, comprising three judges, and to the Privy Council.

10. According to the administering Power, the Pitcairn Courts have jurisdiction in relation to human rights arising out of the laws in force in the Islands. The judiciary and the Governor have a corresponding jurisdiction to uphold and enforce human rights in the Islands.

11. Any violation of the civil or political rights of any person is justiciable by means of injunction and damages that may be awarded by the Supreme Court. That court has inherent power and jurisdiction to award compensatory damages and, in certain cases, punitive damages, as well as to give binding directions to secure the rehabilitation of such persons. In the circumstances of Pitcairn, the Governor, as holder of the highest executive office, and the Chief Justice, as head of the judiciary, are responsible within their respective spheres of authority for overseeing the implementation of human rights on Pitcairn.

12. The administering Power has further noted that the laws in force in the Territory, including those relating to human rights, are published by the Government of the United Kingdom and the Government of the Pitcairn Islands and are readily available to all on the Island through the Island Secretary's office. The Territory's reports to international bodies are prepared by the Government of the United Kingdom, drawing on information provided by the Governor and the Island administration.

13. With regard to the issue of self-government, in 2008, Ministers from the Foreign and Commonwealth Office and the Department for International Development of the United Kingdom held discussions on the future policy for Pitcairn and an internal joint development strategy paper was produced. According to the administering Power, both Departments are working closely to enable Pitcairn to reach self-sustainability. The Department for International Development and the territorial Government have worked jointly on various aspects of the governance and economic development of Pitcairn.

14. With regard to the European Convention on Human Rights, in a report issued in June 2008, the House of Commons Foreign Affairs Committee on the Overseas Territories quotes information provided by the Foreign and Commonwealth Office, through the Pitcairn Commissioner, stating that the European Convention on Human Rights had been extended to "all populated Territories except Pitcairn". But the new Constitution for Pitcairn, referred to in paragraph 5 above, includes the rights and freedoms of the individual taken from the European Convention on Human Rights and other relevant rights taken from the International Covenant on Civil and Political Rights. A human rights capacity-building project, funded by the United Kingdom Government for its Overseas Territories, included a visit to Pitcairn in September 2009 by human rights trainers from the Commonwealth Foundation. The project continues to offer guidance to the community on human rights issues.

15. In its June 2008 report, the House of Commons Foreign Affairs Committee on the United Kingdom's overseas territories urged the Government to ensure full consultation with the Pitcairn community on proposals for the Island's economic

development. In its response the Government acknowledged that partnership between the United Kingdom Government and the Island was essential to ensure sustainable development on Pitcairn.

III. Budget

16. According to the administering Power, in 2009-2010, expenditure for Pitcairn, supported by the United Kingdom Department for International Development, was roughly NZ$ 4.6 million, and income for the year was NZ$ 91,000. Budgetary aid amounting to NZ$ 4.5 million was provided in 2009-2010 to help to meet the operating budget deficit. Significant development funds have been allocated for infrastructure projects by the Department for International Development and the European Union. Those funds are expected to be used for a wind power or alternative sustainable energy project to reduce the Island's dependence on diesel (for which procurement is about to begin) and for improvement of access to the Island, including construction of an alternative landing. Other infrastructure projects will include road improvements and upgrades to public buildings. The territorial allocation provided for Pitcairn under the tenth European Development Fund, which runs from 2008-2013, amounts to €2.4 million.

IV. Economic and social conditions

17. The principal source of income for Pitcairn's public economy has traditionally been the sale of stamps. Owing largely to a downturn in the stamp market, however, Pitcairn's financial reserves were exhausted late in 2003, and the Island now receives budgetary assistance from the United Kingdom Department for International Development. A scaled-down stamp trade continues nonetheless, with six or seven new stamp issues released each year. Pitcairn coins (New Zealand mint) are another collectors' item, with a number of new designs expected for release in 2010/11.[2] Revenue is also generated from landing fees for tourist arrivals.

18. Pitcairn's income is also supplemented by the sale of Internet domain names. Internet users worldwide can acquire a ".pn" suffix that is permanently awarded to Pitcairn. The fees for the acquisition of a ".pn" domain are US$ 200 for the first registration, which covers two years, and US$ 100 for the annual renewal. Revenue is also generated from interest and dividends, as well as increasing tourist arrivals.[3]

19. The private economy of Pitcairn is based on subsistence gardening, fishing, the manufacturing and sale of handicrafts, as well as the export (to French Polynesia, New Zealand, Japan and the United States of America) of dried fruit, vegetables, honey and honey products. Bartering, mainly with passing ships, is an important part of the economy. The fertile soil of the valleys produces a wide variety of fruits and vegetables. Fish is the main source of protein in the Islanders' diet.

20. The Territory imports, mostly from New Zealand, include fuel oil, machinery, building materials, cereals, milk, flour and other foodstuffs. The latter are ordered several months in advance and are obtainable through a government store,

[2] See http://onlinepitcairn.com/information/monthlyfeature/dec2008.pdf.

[3] See "Government plan tourism trail to Pitcairn Island", available at www.telegraph.co.uk, 12 September 2009.

established in 1967. The Pitcairn Island Producers' Cooperative, established in 1999, promotes and coordinates the distribution of produce. A number of Pitcairn items are available directly through the Internet. Given the remoteness of Pitcairn, customers must allow up to six months for delivery and, when paying for orders by cheque, customers are advised to leave their cheques undated because of the long time it takes to process them.[4]

21. The uninhabited island of Henderson, designated as a World Heritage Site by the United Nations Educational, Scientific and Cultural Organization (UNESCO) in 1988, is the largest of the group and the richest in natural resources of the three satellite islands. Pitcairners visit there occasionally, staying a few days to collect a year's supply of miro wood, which they use to produce carvings, and to undertake layering of young miro branches in an effort to ensure a sustainable crop for years to come. The journey by longboat may take about 14 hours each way, depending on weather conditions. Environmentalists also visit Henderson from time to time as it is known for its endemic species of birds and plants in a near-pristine system. The Government of the United Kingdom has committed over £400,000 to a non-governmental organization project to eradicate rats, which are threatening the bird population. The Islanders also make the voyage to Oeno, known as their "holiday island", once a year for a week of fishing and gathering coconuts and shells. Traditionally, the fish caught on those expeditions is shared equally among the families in the Territory. Oeno is an important breeding site for seabirds.

A. Transport

22. Access to Pitcairn is possible only by sea. A shipping service runs from Mangareva in French Polynesia to the Island eight times a year, with four freight runs directly from New Zealand. Cruise ships also call during the season (December to March). Ships visiting the Island remain at anchor some distance from the shoreline and visitors are ferried to the Island in longboats. According to the information provided by the administering Power, plans are being considered to improve landing facilities, particularly for cruise ship passengers, as tourism development is important for Pitcairn's future prosperity, as well as work to help the community develop more professional tourist services and standards.

23. Pitcairn is crucially dependent upon certain key items of infrastructure, including the jetty, longboats and boat shed, and the road from the jetty up to the main settlement. Further work funded by the Government of the United Kingdom took place in 2009 and 2010 to enlarge and strengthen the Island's jetty and slipway. Funding was also provided to cover the main square, offering a more pleasant environment for community functions and to extend the one sealed road from the landing area to the Adamstown settlement.

B. Communications and power supply

24. In September 2006, Pitcairn received a new communications system funded by the United Kingdom Government. The system provided the Island with telephones in all homes, a stable Internet system, limited television service and videoconferencing facilities.

[4] See United Kingdom Territory Association, UKOTA at http://ukota.org/editorial/UKOTA_Spring_2009.pdf.

25. As mentioned above, consultants have carried out feasibility studies, detailed designs and costings for a breakwater or alternative landing and a new wind-diesel electricity generation system for the provision of a 24-hour electricity supply. Currently, diesel-driven generators provide 240-volt electric power for five hours in the morning and five hours in the evening.

C. Land tenure

26. With regard to land distribution issues, by the late 1970s, owing mainly to emigration, most of Pitcairn was owned by Pitcairn Islanders who no longer lived there. A Land Tenure Reform Ordinance was enacted at the end of 2006 to ensure that every Pitcairn Islander was entitled to an allocation of house, garden, orchard and forestry land "sufficient to meet their needs" for as long as they live on Pitcairn. An annual land tax payable on all land held by non-residents of the Territory, or on land held by residents "in excess of his or her reasonable needs", is aimed at ensuring that sufficient land is available for reallocation through the Land Court, upon application. Only Pitcairn Islanders by birth or naturalization, their children or grandchildren (having reached the age of 18 years) are eligible to apply for an allocation. They must be resident at the time of application and must intend to remain so. More detailed information on land distribution issues is provided in the 2005 working paper (A/AC.109/2005/10).

D. Employment

27. The population of the Territory is self-employed, but allowances are paid to members of the community who participate in local government activities. Under the new governance structure, introduced in April 2009, the majority of the population has at least one part-time government job. Public work, recently renamed civic obligations, required by law of all men and women between 15 and 65 years of age, is partly a relic of the society created by the mutineers and partly a necessity born of the basically tax-free economy. The most essential of the traditional public duties are concerned with Bounty Bay, the maintenance of public boats or unloading supplies. There are no banking facilities, but undated personal cheques and traveller's cheques may be cashed at the Island Secretary's office.

E. Education

28. Education is free and compulsory for all children between 5 and 15 years of age. Pitcairn's only school was completely rebuilt in 2006. Instruction is in English and is based on the New Zealand standard curriculum. The Education Officer, who is also the editor of the *Pitcairn Miscellany*, the Territory's only newspaper, is a qualified teacher recruited from New Zealand, usually for a one-year term. As a point of practicality, post-primary education is conducted at the school by correspondence courses arranged through the New Zealand Department of Education. Overseas secondary education is encouraged by the grant of bursaries, and a number of students have received secondary education in New Zealand at the expense of the Government of Pitcairn. In November 2006, following a meeting of the Overseas Territories Consultative Council, the United Kingdom announced that

beginning in 2007, citizens from the Overseas Territories would benefit from the home student fee rate at English universities.

29. Pitcairn Island has a museum built with a grant from the United Kingdom Government. Artefacts on display include stone tools made by Polynesians prior to the arrival of the mutineers, as well as cannonballs, an anchor and a swivel gun from the *Bounty*. The Seventh Day Adventist Church is the only Church on the Island. A pastor from New Zealand is currently stationed on the Island.

F. Health care

30. The Pitcairn Island Health Centre, completed in 1997, was funded by the United Kingdom Department for International Development. It has an examination room, a dental clinic, an X-ray room and a two-bed ward for overnight patients. A general practitioner is stationed on the Island on a one-year contract, assisted by an assistant nurse and a local dental officer, who also acts as an X-ray technician. The Government has also funded a social welfare programme, which includes a Family and Community Adviser, who is also recruited from New Zealand on a one-year contract. In terms of general health, though the Islanders still keep active tending fruit and vegetable gardens and working the surrounding ocean for food, obesity and diabetes are a problem.

G. Criminal justice

31. Allegations of child sex abuse, which came to light in 1999, led to a widespread police investigation resulting in 13 men being charged with a total of 96 offences. The trials of the seven on-island defendants were held on Pitcairn in 2004: six were convicted on a number of counts. Four men received custodial sentences.

32. The convicted men appealed to the Pitcairn Court of Appeal and from there to the Privy Council in London on a range of issues. These included the sovereignty of the Pitcairn Islands, the promulgation of English law on the Island, delay, and other issues that they claimed were an abuse of process. Their appeals were finally dismissed by the Privy Council in a judgement handed down on 30 October 2006. Other appeals were heard in 2007, and although one count was dismissed for one of the offenders, the sentences were not substantively altered.

33. The trials of two more Pitcairn men (residing in Australia and New Zealand, respectively) took place in the Pitcairn Supreme Court sitting in Auckland in December 2006. Guilty verdicts were handed down on 9 January 2007 and the men were immediately taken to Pitcairn to serve their sentences. By December 2010, most men had passed their sentence expiry dates, except for three who are on parole. Parole is monitored by the Community Police Officer, seconded from the New Zealand Police Force.

34. In October 2008, the Government of the United Kingdom established a mechanism to compensate the victims of past child sex abuse on Pitcairn Island. Only those who had cooperated with the authorities in bringing the assailants to

justice were eligible. The closing date for applications for compensation was 31 March 2009.[5]

V. Relations with international organizations and partners

35. It has been agreed to extend the United Nations Convention against Corruption, the Convention on the Elimination of All Forms of Discrimination against Women and the International Labour Organization Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (Convention No. 182) to Pitcairn at the earliest opportunity. As mentioned above, the uninhabited island of Henderson was designated as a World Heritage Site by UNESCO in 1988.

36. Pitcairn is a member of the Secretariat of the Pacific Community, which is the oldest and largest organization in the 10-member Council of Regional Organizations in the Pacific, a consultative process that is headed at the political level by the Pacific Islands Forum Secretariat. The Secretariat of the Pacific Community provides technical assistance, policy advice, training and research services to 22 Pacific Island countries and territories in areas such as health, human development, agriculture, forestry and fisheries. All of these areas are critical to the people of the Pacific, who continue to face challenges from their remote locations and scarce resources, as well as new challenges from decreasing food security and the effects of climate change.[6]

VI. Future status of the Territory

A. Position of the territorial Government

37. The most recent statement by a representative of the Island Mayor was made during the Pacific regional seminar on advancing the decolonization process in the Pacific region, held in Madang, Papua New Guinea, from 18 to 20 May 2004. The statement is summarized in the report of the Special Committee of 24 for 2004 (A/59/23).

B. Position of the administering Power

38. Information on the general position of the United Kingdom was included in the August 2010 report of the Secretary-General entitled "Second International Decade for the Eradication of Colonialism" (A/65/330, annex I). On 4 October 2010 the United Kingdom made a statement before the Special Political and Decolonization Committee (Fourth Committee) during the sixty-fifth session of the General Assembly.

39. According to the record of the Fourth Committee meeting (A/C.4/65/SR.2), the representative of the United Kingdom inter alia reiterated the established position of the Government that its relationship with its Overseas Territories was a modern one based on partnership, shared values and the right of each Territory to determine

[5] Available from http://www.government.pn/compensation.

[6] See http://spc.int.

whether it wishes to stay linked to the United Kingdom or not. Although the situation in each Territory was different and some Territories were at a more advanced stage of development than others, the United Kingdom would continue to work with all the Territories, as appropriate, in areas such as good governance, political and economic development and transparency, enhanced security and reduced vulnerability to natural and non-natural disasters.

40. The speaker went on to say that the relationship between an Overseas Territory and the United Kingdom was enshrined in the constitution of each Territory. A recent constitutional review process with a number of the Territories had resulted in updated provisions of existing constitutions, such as human rights provisions, and those relating to good governance and the respective roles of the Governor and locally elected politicians.

41. Further, good governance had been the central theme in all constitutional talks with the Territories. The Government of the United Kingdom had no wish to micromanage its relationship with its Overseas Territories and was committed to allowing each Territory to run its own affairs to the greatest degree possible. But that brought with it responsibilities on the part of each Territory. Where the United Kingdom felt that a Territory was failing to fulfil the international obligations which extended to it or developments in a Territory gave rise to other concerns, the British Government would not hesitate to raise it with the Territory's Government and to intervene where necessary.

C. Action by the General Assembly

42. On 10 December 2010, the General Assembly adopted without a vote resolutions 65/115 A and B, based on the report of the Special Committee transmitted to the General Assembly (A/65/23) and its subsequent consideration by the Fourth Committee. Section VIII of resolution 65/115 B concerns Pitcairn. Under the operative part of the resolution, the General Assembly:

> 1. *Welcomes* the entry into force of the Pitcairn Constitution Order 2010 in the Territory in March 2010, featuring a new constitutional framework and human rights provisions, and all efforts by the administering Power and the territorial Government that would further devolve operational responsibilities to the Territory, with a view to gradually expanding self-government, including through training of local personnel;
>
> 2. *Requests* the administering Power to assist the Territory by facilitating its work concerning public outreach efforts, consistent with Article 73 *b* of the Charter of the United Nations, and, in this regard, calls upon the relevant United Nations organizations to provide assistance to the Territory, if requested;
>
> 3. *Also requests* the administering Power to continue its assistance for the improvement of the economic, social, educational and other conditions of the population of the Territory and to continue its discussions with the territorial Government on how best to support economic security in Pitcairn.